

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DENNIS HOWARD,

Case No. 3:17-cv-00211-MMD-WGC

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Plaintiff,

## ORDER

STATE OF NEVADA, *et al.*,

## Defendants.

This action began with a pro se civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a person in the custody of the Nevada Department of Corrections. Plaintiff has submitted an application to proceed *in forma pauperis* for non-prisoners. (ECF No. 12). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court imposed a 90-day stay on April 29, 2019, and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 13, 16). The Office of the Attorney General has now filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 18).

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed in district court without prepaying fees or costs (ECF No. 12) is **GRANTED**. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the

1 giving of security therefor. This order granting leave to proceed in district court without  
2 prepaying fees or costs shall not extend to the issuance and/or service of subpoenas at  
3 government expense.

4 2. The movant herein is permitted to maintain this action to conclusion without  
5 the necessity of prepayment of any additional fees or costs or the giving of security  
6 therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the  
7 issuance and/or service of subpoenas at government expense.

8 3. The Clerk of the Court shall electronically **SERVE** a copy of this order and  
9 a copy of Plaintiff's first amended complaint (ECF No. 7) on the Office of the Attorney  
10 General of the State of Nevada by adding the Attorney General of the State of Nevada to  
11 the docket sheet. This does not indicate acceptance of service.

12 5. Service must be perfected within ninety (90) days from the date of this order  
13 pursuant to Fed. R. Civ. P. 4(m).

14 6. Subject to the findings of the screening order (ECF No. 13), within twenty-  
15 one (21) days of the date of entry of this order, the Attorney General's Office shall file a  
16 notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it  
17 accepts service; (b) the names of the defendants for whom it does not accept service,  
18 and (c) the names of the defendants for whom it is filing the last-known-address  
19 information under seal. As to any of the named defendants for whom the Attorney  
20 General's Office cannot accept service, the Office shall file, under seal, but shall not serve  
21 the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such  
22 information. If the last known address of the defendant(s) is a post office box, the Attorney  
23 General's Office shall attempt to obtain and provide the last known physical address(es).

24 7. If service cannot be accepted for any of the named defendant(s), Plaintiff  
25 shall file a motion identifying the unserved defendant(s), requesting issuance of a  
26 summons, and specifying a full name and address for the defendant(s). For the  
27 defendant(s) as to which the Attorney General has not provided last-known-address  
28 information, Plaintiff shall provide the full name and address for the defendant(s).

8. If the Attorney General accepts service of process for any named defendant(s), such defendant(s) shall file and serve an answer or other response to the complaint within sixty (60) days from the date of this order.

9. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. Plaintiff shall include with the original document submitted for filing a certificate stating the date that a true and correct copy of the document was mailed or electronically filed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney named in the notice of appearance, at the physical or electronic address stated therein. The Court may disregard any document received by a district judge or magistrate judge which has not been filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service.

10. This case is no longer stayed.

DATED: July 26, 2019.

Walter G. Cobb  
UNITED STATES MAGISTRATE JUDGE